

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMAR BURTON,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:20-cv-859

Hon. Hala Y. Jarbou

ORDER

On October 4, 2021, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R) recommending that Defendant's motion for summary judgment (ECF No. 43) be granted and this matter terminated (ECF No. 56). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on October 18, 2021. Rather than file objections to the Report and Recommendation, the Plaintiff filed a Notice of Interlocutory Appeal (ECF No. 57). The Court notes that no objections were filed with the Sixth Circuit Court of Appeals. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly:

IT IS ORDERED that the R&R (ECF No. 56) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (ECF No. 43) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's objection (ECF No. 53) is **DENIED** as moot.

IT IS FURTHER ORDERED that this matter is **TERMINATED**.

IT IS FURTHER ORDERED that Plaintiff is denied a certificate of appealability. The Court discerns no good-faith basis for appeal of this matter. *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997); 28 U.S.C. § 1915(a)(3).

IT IS FURTHER ORDERED that, because the Court certifies that an appeal would not be taken in good faith, Plaintiff's motion for leave to appeal *in forma pauperis* (ECF No. 59) is **DENIED**. *See* 28 U.S.C. § 1915(a)(3).

A judgment will enter in accordance with this Order.

Date: October 26, 2021

/s/ Hala Y. Jarbou
HALA Y. JARBOU
UNITED STATES DISTRICT JUDGE